

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 7, 10, 14, 15, 18, 50, 53, 55, 57, 61, 67, 69, 72 and 73 have been amended. Claims 4-6 have been canceled. The amendments to claims 1 and 50 are supported by at least canceled claims 5 and 6, Figures 14-16, and a description of those figures in the present specification. The remaining amendments have been made to correct formality issues only.

Objections

Claims 1, 3, 4, 7, 14, 57, 67, 69 and 72 were objected to for a number of formalities. These claims have been amended to address the formality issues.

Claims 1, 3-8, 10-19, 42-48 and 50-70 were rejected under 35 U.S.C. § 101. The term "aligned" has been changed to "alignable" in claims 1 and 50 as suggested by the Examiner.

The specification was objected to under 37 C.F.R. 1.75(d)(1) for not providing proper antecedent basis for the claimed subject matter. Claims 72 and 73 have been amended to replace the term "beneath" with the term "within" as part of the description of the relative position of the side member to the stent. This configuration is fully supported by at least Figures 11-14 of the present application.

The drawings were objected to under 37 C.F.R. 183(a) for reasons similar to the objection to the specification. Claims 72 and 73 have been amended to address the objection to the drawings.

Rejections Based on the Prior Art

Claims 1, 3, 4, 6-8, 10-13, 15, 18, 45-48, 50-56, 58-60, 63, 65, 70, 72 and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by Colombo (US 6,520,988) or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Colombo alone. Applicants respectfully traverse this rejection. As discussed above, claim 4 has been canceled, rendering this rejection moot as to those claims.

Colombo discloses a stent prosthesis assembly 1 that includes a prosthesis or stent 10 coupled to a delivery catheter 12 and a dilator 30. A distal end of the dilator 30 is arranged to extend through a side port 19 of the stent 10. The dilator 30 includes a radiopaque marker 33 at a distal end of the dilator 30 where the dilator 30 is engaged within the side port 19 (see column 12, lines 52-55 of Colombo). Colombo further discloses providing a similar "side port" marker on any of the dilator embodiments or other access devices disclosed in the Colombo reference that pass through the side port 19. Colombo still further discloses providing a radiopaque marker on the stent body at a location which is at or adjacent to the side port 19 through which the dilator 30 passes (see column 13, lines 9-13 of Colombo).

Colombo fails to disclose or suggest a radiopaque marker on the delivery catheter 20. The disclosure of Colombo is limited to markers positioned only on the dilator 30 and stent 10. The dilator 30 is defined as that element which passes through a side port 19 of the stent 10. Colombo fails to disclose or suggest mounting a marker to the delivery catheter 12. Therefore, Colombo fails to disclose or suggest "at least one radiopaque marker positioned on the catheter," as required by claims 1 and 72, "a first radiopaque marker positioned on the catheter," as required by claim 50, or "a catheter having . . . a first radiopaque marker thereon," as required by claim 73.

Applicants submit that Colombo fails to disclose or suggest every limitation of claims 1, 50, 72 and 73, and the claims that depend from them.

Claims 5, 16, 17, 19, 42-44, 61, 62, 64, 66 and 67-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Colombo alone. Applicants respectfully traverse this rejection.

As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Therefore, claims 5, 16, 17, 19, 42-44, 61, 62, 64 and 66-69 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Claims 14 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Colombo and further in view of Davila (US 5,851,464). Applicants respectfully traverse this

rejection. As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Davila fails to remedy the deficiencies of Colombo as it relates to claims 1 and 50. Therefore, claims 14 and 57 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Further to the above, Applicants submit that Colombo fails to disclose the "branch stent deployment device" required by claims 8, 52, 72 and 73. The branch stent deployment device required by those claims is a feature separate from the "side member" required by claims 1, 50, 72 and 73. At least Figures 17 and 18 of the present disclosure and the related description of those figures at page 15 of the present specification describe the structure and function of a branch stent deployment device as a separate feature from the side member. The Office Action states at page 5 that "the branch stent deployment device as claimed is the balloon portion of the side branch" shown in Figures 1-6 of Colombo. Applicants respectfully disagree with this assertion. Colombo discloses only a single element (the dilator 30) that includes an expandable member and includes a radiopaque marker 33 mounted thereon. Thus, Colombo discloses a single element (the dilator 30) whereas the claimed invention requires two separate elements (the "side member" and the "branch stent deployment device"). Therefore, Colombo fails to disclose or suggest every limitation of claims 8, 52, 72 and 73 for this additional reason.

Still further to the above, Colombo fails to disclose or suggest a marker on the delivery catheter 12. Therefore, Colombo fails to disclose or suggest that the "at least one radiopaque marker on the catheter comprises radiopaque markers positioned at a proximal end and a distal end of the stent," as required by claim 5.

MAR-16-06

14:56

FROM-Merchant & Gould

6123329081

T-177 P.014/015 F-216

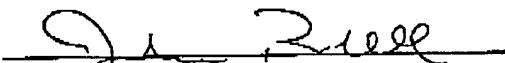
In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney listed below at 612-371-5387.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: March 16, 2006


Joshua M. Randall
Reg. No. 50,719
JNR:njo:ae